

# 110<sup>th</sup> Congress Progress Report on Occupational Safety and Health Inspections

During the first year of the 110<sup>th</sup> Congress, the Office of Compliance (OOC) inspected approximately 50% of the 16 million square feet under legislative branch jurisdiction in the metropolitan Washington, DC area.

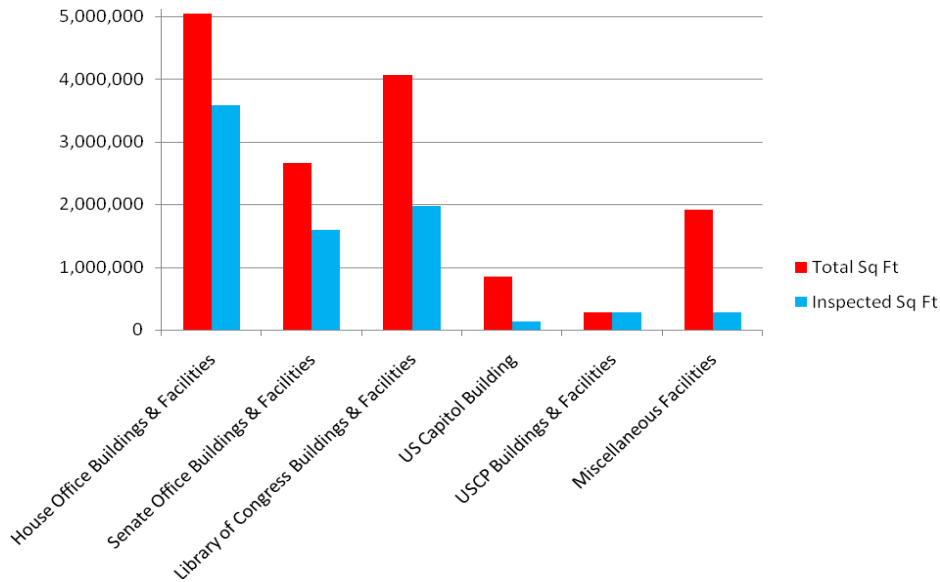


Chart 1: Distribution of Square Feet Inspected

Already we are seeing a reduction in the number of hazards found. The OOC identified 5,558 hazards with varying degrees of risk in office spaces, workshops, warehouses, and firing ranges. We project that, by the time our inspection is completed in 2008, the OOC will have identified roughly 10,000 hazards. This is a reduction of nearly 25% from the total found in the 109<sup>th</sup> Congress.

## Hazard Findings and % of Space Inspected

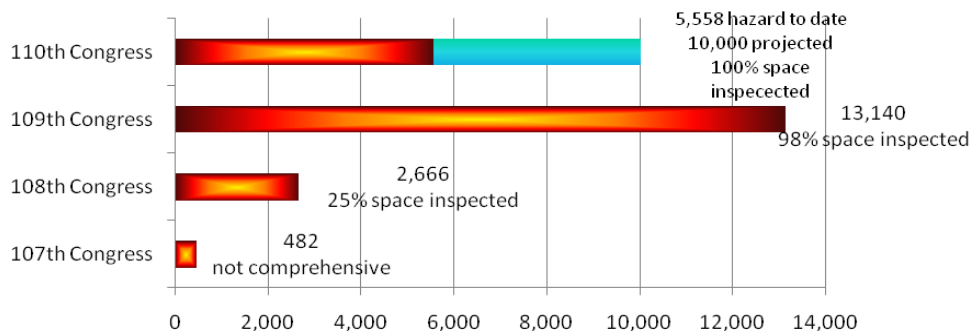


Chart 2: Number of Findings per Inspection and Percentage of Facilities Inspected

Further, our inspection to date has revealed that the number of hazards in the offices of Senators and Members of the House of Representatives has been reduced from an average of eight to an average of four hazards per office. And so far we have found four times the number of hazard-free offices among Senate and House Members as we identified in the 109<sup>th</sup> Congress.

Although the total number of hazards is dropping, the danger posed by these hazards is significant: approximately 25% of the hazards are classified as high risk, which can cause serious bodily injury if not abated.<sup>1</sup>

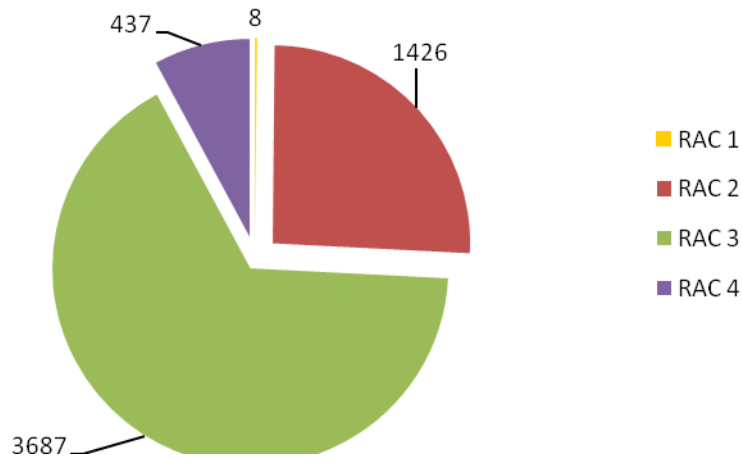


Chart 3: Distribution of Findings by Risk Assessment Code Rating

The OOC has not completed inspections in the House and Senate Office Buildings. The number of findings, while not complete, does represent the trends being observed to date. The reductions in the House and Senate Office Buildings are noteworthy:

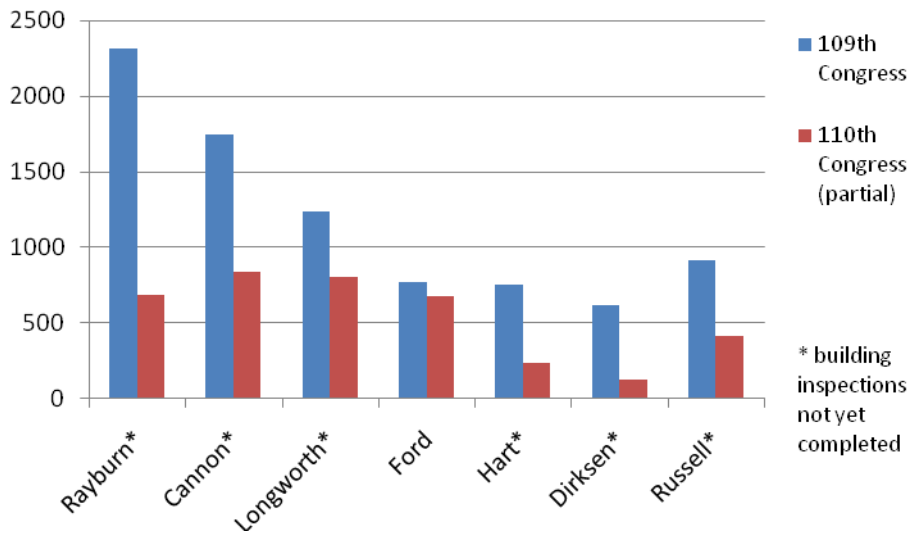


Chart 4: Number of Hazard Findings per Building

<sup>1</sup> RACs are classified in descending order of severity and likelihood of occurrence. Thus, a RAC 1 hazard poses an imminent risk of death or life-threatening injury. A RAC 2 presents a probable occurrence of severe injury. A RAC 3 involves a hazard likely to present the possibility of a lost workday. A RAC 4 is a hazard that is unlikely to cause an injury requiring first aid.

Electrical and fire safety threats remain the most common hazards identified in the biennial inspection process.

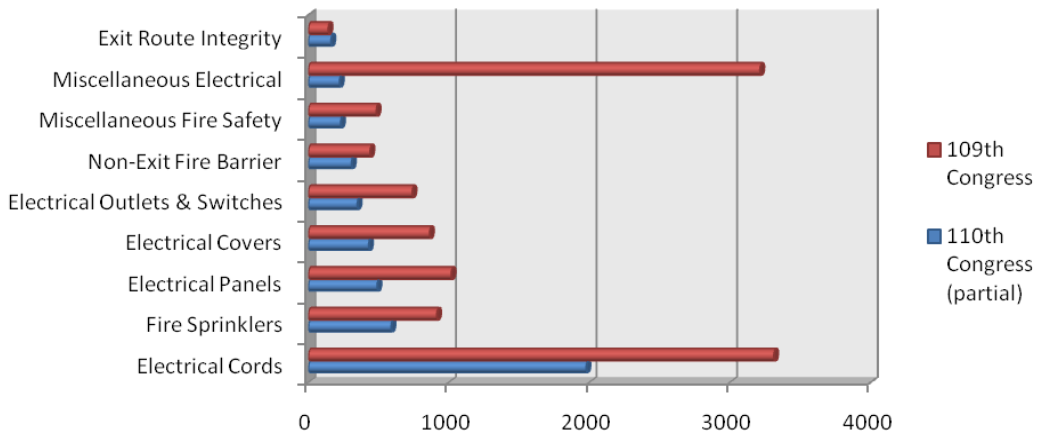


Chart 5: Common Types of Electrical and Fire Safety Hazards Identified

The risk level of the individual hazards identified in the chart above, ranges from likely to cause an injury to unlikely to cause an injury. However, cumulatively, a high number of hazards, even low risk hazards, increases the risk of serious bodily injury to employees and damage to the facility. While the OOC is focused on addressing the most serious hazards, employing offices should address lower risk levels promptly in order to prevent serious injury.

**Pacing the Biennial Inspection Process**

During the 110<sup>th</sup> Congress, the OOC for the first time is able to spread its inspection over the two years of a Congressional term. At the close of the 109<sup>th</sup> Congress, the General Counsel met with the employing offices and solicited their comments regarding the inspection process. The most common request was more time between facility inspections. The employing offices also asked to receive inspection findings more quickly after inspections. Accordingly, we have spread our inspections over nineteen months and allow a one or two week break in between inspections. These breaks enable the inspectors to accelerate the entry of hazard findings in our database. Consequently, we are able to provide reports to these offices more than three times faster than in the 109<sup>th</sup> Congress:

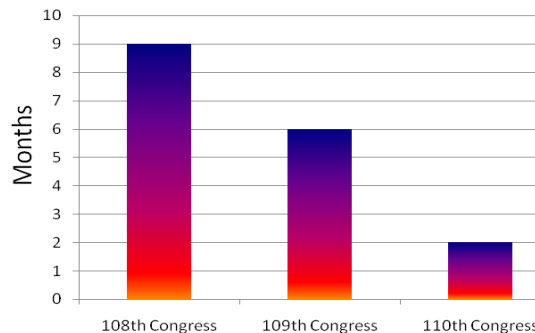


Chart 6: Time Between Inspections and Issuance of Hazard Findings Reports to Employing Offices

### More Square Feet Inspected

During the 110<sup>th</sup> Congress, approximately one million square feet will be added to the OOC's inspection workload. This includes the Capitol Visitor Center (CVC), which is slated to open in November 2008, and the Library of Congress' (LOC) Packard Campus in Culpeper, VA, scheduled to open in the summer of 2008. We have worked very closely with the AOC and the LOC to ensure that necessary life safety and fire protection systems are installed and operating fully at the time these facilities open.

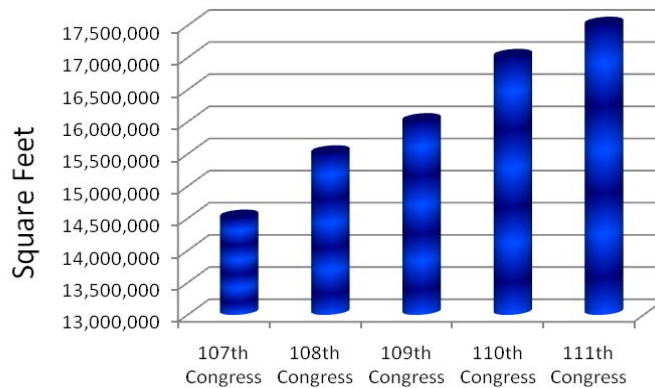


Chart 7: Increasing Square Feet Footage of Space to be Inspected in the Legislative Branch

When it opens in November 2008, the CVC will encompass 580,000 square feet on three levels – all underground. It is expected to attract thousands of tourists every day as well as add auxiliary space for the House and Senate. Given its size, location, design and scope, the CVC requires significant life safety systems, including fire safety measures. At the request of the AOC and the CVC's Project Executive, we conducted a comprehensive review of the acceptance plan testing of the fire safety systems starting in December 2007. The OOC expects to continue monitoring that testing, as well as conduct pre-inspection reviews of the facility as a whole, during the course of the coming year. Our goal is to make recommendations that ensure that life safety systems in the CVC meet all applicable requirements and that observed hazards are brought to the attention of AOC officials for timely correction before the certificate of occupancy is issued -- all while adhering to the project's projected opening deadline.

The LOC's Packard Campus creates new challenges. In a portion of this site, composed of an additional 415,000 square feet to be inspected, the LOC will store cellulose nitrate film in vaults. Cellulose nitrate film is extremely flammable and requires highly sophisticated storage and handling. The OOC previously cited the LOC for its handling procedures for this film. -The LOC is currently developing an appropriate Hazard Communication Program and training its employees on the procedures to follow when dealing with these very hazardous materials. The OOC plans to visit the Packard Campus this summer to begin its initial inspection of the facility and review the campus' HazCom Program. The OOC has requested additional funds to complete its inspection of this facility in its FY 2009 budget request (\$7,500).

Several other projects are slated to come online in future Congresses. The OOC is working to explore new technologies and protocols to expedite and improve the efficiency of the inspection process that will enable us to cover the additional square footage that will be added in the future. Chart 7 above illustrates the rate at which the covered legislative branch space subject to mandatory inspection has increased in recent years. With the AOC's projected future "top to bottom" renovation of the Cannon House Office Building, potentially another 250,000 square feet of swing space in the former FDA Building may be subject to OSH and ADA inspection. Also, the Army Corps of Engineers is constructing the next two Book Modules at Fort Meade, which will further

increase the amount of space under the OOC's jurisdiction. This increasing workload will be placing strains on our resources.

### ***Technical Assistance Requests and Outreach***

During the 110<sup>th</sup> Congress, the OOC fielded an increasing number of requests for technical assistance from Members of Congress, their staff, and other employing agencies. We received a myriad of requests ranging from whether portable space heaters are approved for use - some are, provided they are equipped with an automatic turnoff switch in case the heater tips over - to a Member of the House asking the inspection team about emergency preparedness procedures. Other agencies have requested the OOC's guidance on how to meet its statutory safety and health obligations. As described above, at the request of the AOC, we conducted a comprehensive review of highly technical and complex fire alarm testing procedures in the CVC; oversight Committees have expressed ongoing interest in this review. As employees become more aware of our services, we anticipate that these requests will increase as well.

During the 110<sup>th</sup> Congress, the OOC continued its education and outreach efforts to the covered community. We are issuing on our website ([www.compliance.gov](http://www.compliance.gov)) monthly safety and health *Fast Facts* – two page summaries of hazards commonly identified during our inspections - covering such topics as “Methylene Chloride,” “Hazardous Communications,” and “Asbestos.” By April 2007, *Fast Facts* had already been downloaded an average of 10,667 times monthly, an increase of approximately 45% over the prior year.

### ***Capitol Power Plant Utility Tunnels Complaint***

In February 2006, the OOC filed its first-ever formal complaint regarding potentially life threatening conditions in the utility tunnels of the Capitol Power Plant. After extensive negotiations, the General Counsel and the AOC entered into a comprehensive Settlement Agreement in June 2007. The Agreement requires the AOC to abate all identified and newly discovered RAC 1 and RAC 2 hazards in the tunnel system within five years; further, it mandates regular inspections and quarterly reports by the AOC, and monitoring by the OOC. The AOC projects that the total cost of repair will exceed \$300 million.

Since the execution of the Settlement Agreement, substantial work has begun to improve conditions in the tunnels. Two new egress points as well as ventilation systems are currently being installed and are scheduled for completion in April 2008. Asbestos removal and re-insulation is ongoing in one tunnel and will soon begin in two more. Repairs continue on the damaged friable asbestos in the tunnels. Significant reduction in excessive heat levels have been achieved, and emergency communication systems are functional throughout the entire tunnel system.

Many design projects are underway for work to be performed in FY 2009. These include continuation of one tunnel's replacement, steam distribution service improvement, egress installations and others. Assuming full funding, particularly in FY 2009, it appears that the five year deadline can be met. To assure that we will be able adequately to monitor this complex abatement process, the OOC has requested funds for consultant services to provide specialized assistance (\$50,000).

### ***Fire Safety Citations***

During FY2007, the OGC closed 14 of 39 outstanding citations compared to 10 citations in FY 2006. While progress has been achieved in abating these hazards, several longstanding RAC 1 fire safety citations remain unabated. In 2000 and 2001, the OOC issued a series of citations regarding open stairwells, lack of

properly rated fire doors, and other fire safety issues in the Capitol, the Cannon, Longworth and Rayburn House Buildings, the Russell Senate Office Building, and Library of Congress facilities. These citations remain open. Following our stepped-up efforts to monitor AOC abatement actions, in June 2007, the AOC provided the General Counsel with a detailed plan to abate these outstanding hazards. The AOC also identified specific actions taken to address many additional fire safety deficiencies during 2005 and 2006. The General Counsel expressed concern that under the AOC’s proposed abatement plans the most serious hazards involving open stairwells would not be fully abated for an excessive period of time – in one facility, 2015, while in other instances, abatement dates were as yet undetermined. Accordingly, we suggested alternative means for accelerated abatement. After extensive discussions between the parties, the AOC has recently developed, and the OOC has approved, innovative and more efficient abatement plans for the Cannon, Longworth and Russell Office Buildings that resolve the fire safety hazards identified in the 2000 citations. It is significant that the AOC’s abatement plans not only abate the fire safety issues in the citations but do so in a manner that preserves the historic architectural features within those buildings. Table 1 below shows the abatement proposals by the AOC as of the start of the second session of the 110<sup>th</sup> Congress:

Facility	Citation Item	Proposed Abatement Date
Capitol Building	Smoke purge system	2010
	Rotunda stairwells	2009
Cannon Building Rayburn Building	Stairwells	2013
	Basement Stairwells and above	2007 (completed)
Russell Building Adams Building	Below basement level stairwells	TBD
	Stairwells	2013
Jefferson Building	Fire doors and other issues	2009 and later
	Open stairwells	2010 and later

**Table 1: Abatement Status of Significant Fire Safety Citations**

The OOC has requested funds in its FY 2009 budget for a full time Fire Safety Engineer to track these and other life safety and fire safety concerns (\$81,250). We are committed to working with the AOC and other entities to achieve an acceptable level of fire safety within all legislative branch buildings.

The conditions in the table above are but some of the fire safety hazards that remain on Capitol Hill. As reported in both the 108<sup>th</sup> and 109<sup>th</sup> Congress Biennial Reports, the OOC identified deficiencies in alarm systems, fire sprinkler coverage, emergency exit doors, elevators, and fire doors. The OOC is working with the AOC and other stakeholders to assure that these hazards will be addressed promptly and abated appropriately.

***Requestor-Initiated Inspections***

The Congressional Accountability Act allows covered employees, employing offices, and bargaining unit representatives of covered employees to file Requests for Inspection alleging violations of the Occupational Safety and Health Act. The OGC investigates these allegations and determines an appropriate abatement or other corrective action when hazards are found to exist as well as recommend changes in practice or procedure to enhance health and safety conditions. Requests are most often filed by employees who are familiar with, or exposed to, hazardous conditions in the legislative branch

In 2007, we received 21 requests involving a wide array of safety and health matters, including indoor air quality in the Hart Senate Office Building; asbestos exposure in the Jefferson Building; lead paint in the Capitol Dome; an accident on the Rayburn subway; and the amputation of an employee’s finger. Five of these 21 cases were closed as of the end of 2007 and 42 previously filed cases were also closed. The results of the OGC’s focused efforts to close outstanding cases that were more than one year old are depicted in the chart below.

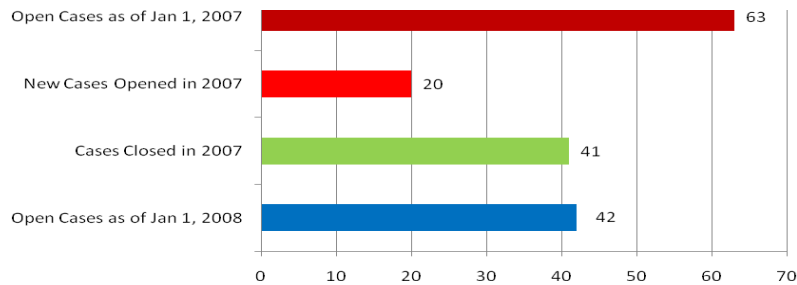


Chart 8: OGC Case Closing Information

**Meeting the Challenge in FY 2009**

To meet the foregoing challenges, we are continuing existing efforts to work more closely with employing offices and are seeking to leverage personnel and technology to improve efficiencies in our operations. For example, to reduce costs and improve efficiency, we have been consulting with the AOC in order to develop an enhanced, highly secure system for recording and tracking hazards. If acquired and implemented, such a system would allow inspectors while on-site during an inspection to enter data directly into a secure database and edit/update information. Employing offices, in turn, would gain real-time, secure access to their data, and could enter abatement information directly into the system. Several employing offices have expressed support for an enhanced system in order to target their resources to abating hazards rather than preparing repetitive paperwork. Access to real-time hazard abatement information would likewise improve our monitoring of hazard abatement and provision of information to Congress. The OOC seeks funding in its FY 2009 budget request to begin to explore the cost and feasibility of such a system (\$5,000).

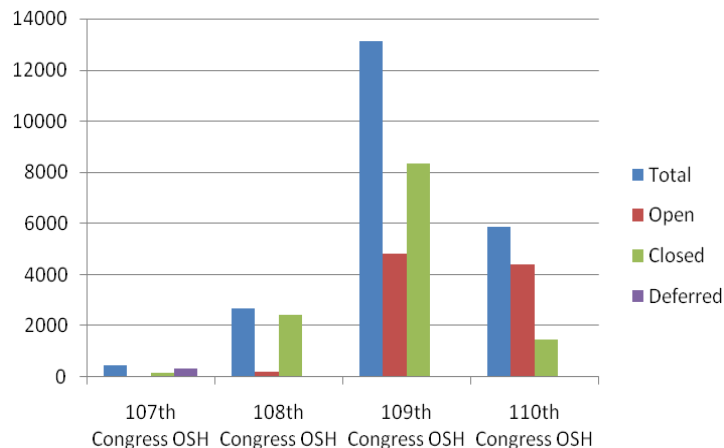


Chart 9: Number of Open, Closed and Deferred Findings per Biennial Inspection

The high number of total hazards identified during both the 109<sup>th</sup> Congress (13,000) and the 110<sup>th</sup> Congress (10,000 projected) biennial inspections is of great concern to the OOC. We are especially concerned by the number of hazards that remain unabated. We are committed to seeing hazards abated in a more timely fashion and on a schedule that more appropriately recognizes the severity of each hazard identified. Increasing the efficiency of the tracking system will help employing offices focus resources on abatement. In addition, the OOC is seeking in its FY 2009 budget request to fund the FTE for the OSH Compliance Officer position that was authorized under the FY 2008 budget but which has not been filled for lack of sufficient resources (\$75,000). This position will enable the OGC to assure increased oversight and monitoring of all open hazards.

A comprehensive OSH inspection must include employing office safety and health programs as well as physical conditions in facilities. Many hazards may result from an absence of adequate plans. Accordingly, in the coming year the OOC will begin the process of evaluating safety programs on Capitol Hill. We recognize our obligation to help employing offices to create or improve their plans in order to protect employees and prevent injuries. We advised employing offices of our intentions in this regard during a January 2008 OOC-sponsored OSH/ADA Working Group Meeting. Participants in the meeting offered many useful suggestions on how best to implement such a plan. We have requested additional funding for FY 2009 (\$25,000) to initiate this highly technical and labor-intensive effort of assisting employing offices in the development and evaluation of their plans.

Another effort we propose to undertake in FY 2009 is our new Zero Accident Initiative, which is intended to be a comprehensive, multi-year effort to prevent the creation of new hazards and eliminate workplace accidents. If fully funded, major elements of this initiative will include: working with employing offices to implement preventive maintenance programs, so that hazards are abated before they develop into a major problem, and existing hazards are abated promptly; helping employing offices use RACs to establish priorities for hazard prevention and abatement; training supervisors and employees to follow safe practices; assessing the number, nature, and frequency of workplace accidents; and identifying "root cause" factors that contribute to the occurrence of accidents. If we receive the funding, we plan to work with employing offices to analyze accident and injury records to help create policies to prevent future injuries and illnesses. We have requested initial funding for FY 2009 to develop plans for this effort (\$10,000).

Finally, the OOC is committed to beginning a pilot program to inspect State, District, and remote offices of other covered employing offices. The Congressional Accountability Act requires us to conduct OSH inspections and report to Congress concerning the status of health and safety conditions in all legislative branch facilities. To date, the OOC has focused on facilities within the Washington, DC metropolitan area, and has not had sufficient resources to inspect remote offices, including Member District and State Offices. We are developing a program with stakeholders respecting covered facilities to include educational materials tailored to assist the remote offices, safety check lists, questionnaires, follow-up procedures, and limited spot checks by inspectors. Since there is currently no data on the conditions existing in these offices, it is difficult to estimate how much OOC follow-up will be required. At the outset we will perform only a limited number of quality control spot checks to see how well the program is working. The OOC sought funding in FY 2007 and again in FY 2008 as an initial step in identifying potential hazards and improving office conditions. In its current budget request, the OOC has renewed its proposal for initiating a self-certification OSH inspection program for these offices (\$25,000).

Peter Ames Eveleth  
General Counsel

March 2008